



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 11, 2020

*Mark X. Mullin*  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE:

TODD MEAGHER

Debtor.

§  
§  
§  
§  
§  
§

Chapter 11

Case No. 20-40208-mxm11

**ORDER GRANTING IN PART AND DENYING IN PART  
HEB'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY  
TO PROCEED WITH PRE-PETITION CLAIMS FOR INJUNCTIVE RELIEF**

Upon *HEB Grocery Company, LP's Motion for Relief from the Automatic Stay to Proceed with Pre-Petition Claims for Injunctive Relief* [Docket No. 22] (the "*Motion*")<sup>1</sup> filed by HEB Grocery Company, LP ("*HEB*") seeking relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to proceed with certain pre-petition claims for injunctive relief; and this Court having jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G); and the

<sup>1</sup> Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Motion.



Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that proper and adequate notice of the Motion and hearing thereon has been given and that no other or further notice is necessary; and the Court having found that good and sufficient cause exists for granting, in part, and denying, in part, the relief requested in the Motion after having given due deliberation upon the Motion and all of the proceedings had before the Court in connection with the Motion, it is **HEREBY ORDERED THAT:**

1. The Motion is **GRANTED**, in part.
2. The automatic stay is hereby modified pursuant to section 362(d) of the Bankruptcy Code to allow the United States District Court for the Southern District of Texas (Houston Division) (the “*Southern District Court*”) (a) to rule on any summary judgment motions that are currently pending before the Southern District Court in the Southern District Litigation (Case No. 4:17-cv-02810); and (b) to enter a final judgment in the Southern District Litigation if the Southern District Court’s ruling on summary judgment motions enables the Southern District Court to do so.
3. HEB and the Debtor have stipulated that motions pending before the Southern District Court include:
  - a. Defendants’ Motions for Judicial Notice (July 12, 2018, Dkt. 56; Aug. 1, 2018, Dkt. 58; Feb. 11, 2019, Dkt. 154);
  - b. Irene Alexis Meagher’s Partial Motion for Summary and Declaratory Judgment (March 6, 2019, Dkt. 179);
  - c. MyStore, Inc.’s Partial Motion for Summary and Declaratory Judgment (March 7, 2019, Dkt. 180);



- d. Todd Meagher's Partial Motion for Summary and Declaratory Judgment (March 12, 2019, Dkt. 184);
- e. Todd Meagher's Supplementation of the Summary Judgment Record (November 14, 2019, Dkt. 257);
- f. HEB's Motion for Summary Judgment (February 22, 2019, Dkt. 167 and 168); and,
- g. HEB's Motion to Strike Affirmative Defenses (Sept. 21, 2018, Dkt. 80).

4. If the Southern District Court's ruling on summary judgment motions does not result in a final judgment in the Southern District Litigation consistent with this Order, the parties may seek any and all forms of other or further relief as necessary from this Court, including, without limitation, further modification of the automatic stay to permit further proceedings in the Southern District Court.

5. The Motion is **DENIED** as to all other relief requested in the Motion, without prejudice.

### END OF ORDER ###



Submitted by:

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***Co-Counsel to HEB Grocery Company, LP***



**AGREED AS TO FORM:**

THOMPSON COE COUSINS & IRONS, L.L.P.

/s/ Gary L. Pate

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FOR DEBTOR-IN-POSSESSION



## Imaged Certificate of Notice Page 6 of 6

United States Bankruptcy Court  
Northern District of TexasIn re:  
Todd Meagher  
DebtorCase No. 20-40208-mxm  
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0539-4

User: skerr  
Form ID: pdf012Page 1 of 1  
Total Noticed: 2

Date Rcvd: Mar 11, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 13, 2020.

aty +Allison L. Fuller, VINSON & ELKINS LLP, 1001 Fannin Street, Suite 2500,  
Houston, TX 77002-6760  
aty +Jason M. Powers, VINSON & ELKINS LLP, 1001 Fannin Street, Suite 2500,  
Houston, TX 77002-6760

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 13, 2020

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 11, 2020 at the address(es) listed below:

James Clark Gordon on behalf of Creditor Gordon & Sykes, LLP jgordon@gordonsykes.com  
Lakia S. McCline on behalf of Creditor Deutsche Bank National Trust Company as Trustee for  
GSAMP Trust 2007-FM2, Mortgage Pass-Through Certificates, Series 2007-FM2  
lakia.mccline@tx.cslegal.com, bkdept@tx.cslegal.com  
Laurie A. Spindler on behalf of Creditor Tarrant County Laurie.Spindler@lgbs.com,  
Dora.Casiano-Perez@lgbs.com  
Mark A. Castillo on behalf of Debtor Todd Meagher mcastillo@curtislaw.net  
Matthew David Struble on behalf of Creditor HEB Grocery Company, LP mstruble@velaw.com  
Robert Coleman Rowe on behalf of Debtor Todd Meagher rrowe@curtislaw.net  
Stephanie Diane Curtis on behalf of Debtor Todd Meagher scurtis@curtislaw.net  
United States Trustee ustpregion06.da.ecf@usdoj.gov

TOTAL: 8